

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

NEWTON BORIS SCHWARTZ, SR.,

§

*Plaintiff,*

§

v.

CIVIL ACTION H-16-106

TED CRUZ,

§

*Defendant.*

**ORDER**

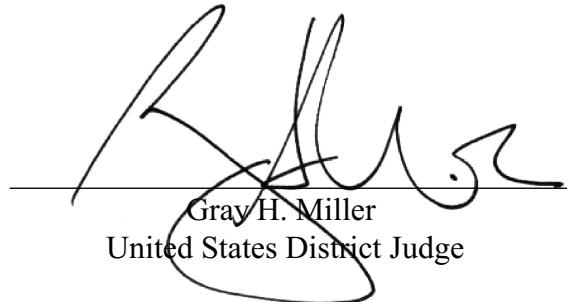
On February 29, 2016, plaintiff Newton Boris Schwartz, Sr. filed two documents; Dkt. 17 is entitled “Reasons why Barrack Obama was not Eligible to be President and why Ted Cruz and Marco Rubio are not eligible to run for the Presidency” and Dkt. 18 is entitled “Supreme Court Decision.” Dkts. 17, 18. Schwartz fails to request any judicial relief in either of these filings. Accordingly, both of these filings (Dkts. 17, 18) are STRICKEN from the record.

Additionally, Terry Wayne Wheelock filed a document entitled “Intervenor Complaint.” Dkt. 20. Wheelock’s filing contains several deficiencies, including:

- Failure to file a motion to intervene in accordance with Federal Rule of Civil Procedure 24(c), which provides, *inter alia*, that a motion to intervene “must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c).
- Failure to comply with local rule 5.3, which provides that “[p]apers must have at the end a certificate reflecting how and when service has been made or why service is not required.” S.D. Tex. L.R. 5.3.
- Failure to comply with local rule 7.1, which provides that opposed motions shall “[b]e accompanied by a separate proposed order granting the relief requested” and “an averment that . . . [t]he movant has conferred with respondent and . . . [c]ounsel cannot agree about the disposition of the motion.” S.D. Tex. L.R. 7.1.

Therefore, Wheelock's complaint in intervention (Dkt. 20) is STRICKEN from the record.

Signed at Houston, Texas on March 7, 2016.



Gray H. Miller  
United States District Judge